



**ఆంధ్రప్రదేశ్ రాజపత్రము**  
**THE ANDHRA PRADESH GAZETTE**  
**PUBLISHED BY AUTHORITY**

W.No.38

AMARAVATI, MONDAY, SEPTEMBER 23, 2024

G.481

**PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC**

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**NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,**

**CIVIL JUDGE'S COURT (SENIOR DIVISION)  
MANGALAGIRI**

Friday, this the 12<sup>th</sup> day of April, 2024.

**I.P.No.05/2022**

Between:-

Kolli Vijaya Krishna,  
s/o. Siva Rama Krishna, 32 years, Business,  
r/o. Door No.8-2/3, Rajiv Center,  
Mangalagiri Town, Mandal and JCJC.

... Petitioner.

And

- 1.Palakayala Suresh Babu,  
s/o. Sankara Rao, 37 years Business,  
r/o.Door No.2-145, Inavolu village,  
Thulluru Mandal, Mangalagiri JCJC.
- 2.Yadla Sekhar,  
s/o. Father's name not known to the petitioner,  
aged 32 years, Business, r/o.Door No.1-30C,  
Kothapeta, Mangalagiri Town, Mandal and JCJC.
- 3.Pulivarthi Dasu,  
s/o. Father's name not known to the petitioner,  
aged 38 years, Business, r/o.Door No.5-255,  
R.C.M. Peta, Atmakuru village, 1-30C,  
Mangalagiri Mandal and JCJC.

4. Balla partha Sarathi,  
s/o. Balaiah, 38 years, Business,  
r/o.D.No.7-485/1, Krosuru Vari Street,  
Tipparla Bazar, Mangalagiri Town, Mandal and JCJC.
5. Neelam Srinivas,  
s/o. Prasad, 37 years, Business,  
r/o. D.NO.5-137/1, Indira Nagar,  
Mangalagiri Town, Mandal and JCJC.
6. Jakka Lakshmi Rangaiah,  
s/o. Nemalaiah, 60 years, Business,  
r/o. Door No.4-58, Bhargavapeta,  
Mangalagiri Town, Mandal and JCJC.
7. Bathula Naga Satish,  
s/o. Late Raju Babu, 40 years, Business,  
r/o. Door No.1-1355, Main Bazar,  
Mangalagiri Town, Mandal and JCJC.
8. Battu Prasada Rao,  
s/o. Father's name not known to the petitioner,  
aged 61 years, Business, r/o.D.No.8-409,  
Bhargavapeta, Mangalagiri Town, Mandal and JCJC.
9. Strigiri Venkateswarlu,  
s/o. Kondaiah, 50 years, Employee,  
r/o. Door No.10-112/16, Basavataraka Nagar,  
Navuluru Road, Yerrabalem village,  
Mangalagiri Mandal and JCJC.
10. Bottu Nageswara Rao,  
s/o. Chalapathi Rao, 51 years, Business,  
r/o. Door No:54-1-10, Plot No.43, S.R.M.T. Road,  
Auto Nagar, Vijayawada City, Krishna District,  
Vijayawada JCJC.
11. Ariveni Venkata Rao,  
s/o. Satyanarayana, 40 years, Tax Practitioner,  
r/o. Door No.8-202, Indirala Vari Street,  
Mangalagiri Town, Mandal and JCJC.
12. Damarla Murali,  
s/o. Thatha Rao, 32 years, Business,  
r/o. Door No.8-30, Atmakuru village,  
Mangalagiri Mandal and JCJC.
13. Jonnadula Srinivasa Rao,  
s/o. Yalamanda Rao, 43 years, Business,  
r/o. Door No.3-14/2, Near Rajakula Ramalayam,  
Kaza village, Mangalagiri Mandal and JCJC.
14. Konda Kiran,  
s/o. Nageswara Rao, 39 years, Business,  
r/o. Near Water Tank, Gandalayyapeta,  
Mangalagiri Town, Mandal and JCJC.
15. Abdul Rehman,  
s/o. Peera Vali, 40 years, Business,  
r/o. No.1-652, Near Idgah Masjid,  
Driverpeta, Mangalagiri Town, Mandal and JCJC.

16. Kolli Siva Sankara Rao,  
s/o. Sambasiva Rao, 55 years, Employee,  
r/o. Door No.5-416/A, Near Nancharamma Cheruvu,  
Mangalagiri Town, Mandal and JCJC.
17. Bitra Mahesh Babu,  
s/o. Father's name not known to the petitioner,  
aged 34 years, Business, r/o. Door No.4-306,  
Backside to Onti Rama Mandiram,  
Mangalagiri Town, Mandal and JCJC.
18. Sindi Chiranjeevi,  
s/o. Ramoji Rao, 35 years, Business,  
r/o. Yenugu Kishore's Apartment, C-1,  
3<sup>rd</sup> Floor, Pedakoneru Street, Mangalagiri,  
Mangalagiri Mandal and JCJC.
19. Ramanatham Vijay Kumar,  
s/o. Lakshmana Rao, 35 years, Business,  
r/o. Door No.8-376, Bhargavapet, Mangalagiri,  
Mangalagiri Mandal and JCJC.
20. Pathan Meera Bi,  
s/o. Nabi, 37 years, Business,  
r/o. No.7-516/A, Pedda Bhavi lane,  
Tipparla Bazar, Mangalagiri Town,  
Mangalagiri Mandal and JCJC.
21. Tiruveedhula Jhansi Lakshmi,  
w/o. Ramesh, 40 years, Business,  
r/o. NO.11-2, 8<sup>th</sup> Lane, Koppurao Colony,  
Bhargavapet Road, Mangalagiri Town, Mandal and JCJC.
22. Kolli Nandini Kumari,  
s/o. Kanaka Sundara Rao, 55 years, Business,  
r/o. Door No.5-458/5/7, Bachpan School Street,  
Salivahana Nagar, Mangalagiri Town, Mandal and JCJC.
23. Dulla Srinivasa Rao,  
s/o. Venkateswara Rao, 39 years, Business,  
r/o. Keerthana Apartments, Nidamaru Road,  
Kanneru village, Tadikonda Mandal,  
Mangalagiri JCJC.
24. Panidapu Vijay Kumar,  
s/o. Rambabu, 34 years, Business,  
r/o. Panidepu Ananda Rao Complex,  
Sharof Bazaar, Mangalagiri Town, Mandal and JCJC.
25. Valiveti Kethan,  
aged 29 years, Business, Proprietor, Sai Kethan Medicals,  
Opposite to, Suryakantham Hospital, Mangalagiri Town,  
Mangalagiri Mandal and JCJC.
26. Parepalli Veeranjanyulu,  
s/o. Madhusudana Rao, Proprietor,  
Sai Electricals, Near Ramalayam, Main Bazar,  
Mangalagiri Town, Mandal and JCJC.
27. The Official Receiver,  
District Court Complex, Guntur.

... Respondents.

This Insolvency Petition is coming on 25.03.2024 before me for final hearing in the presence of Sri N.M. Venkaiah, Advocate for the Petitioner and the Respondents 1 to 26 remained *ex parte* and the matter is having stood over for consideration till this day, this court made the following:-

**ORDER**

This Insolvency Petition is filed under Section 10 of Provincial Insolvency Act on behalf of the petitioner and against the Respondents 1 to 27 to adjudicate and declare the petitioner as an insolvent and to appoint the Official Receiver, Guntur as interim receiver to take possession of petition B schedule properties and to administer the same as per the Insolvency Act and for costs of the petition.

2. The case of the petitioner as per the averments mentioned in the petition is as follows:-

The petitioner is permanent resident of Mangalagiri Town, Guntur District and he has been doing iron hardware business since seven years. In connection with his business, due to his acquaintance and cordial relations with the villagers, the petitioner borrowed amounts from the respondents as well as others from time to time and repaid the amounts at the end of financial year. In some cases, the petitioner used to pay interest and renewed the debts. The petitioner run his business successfully for some period. While so, due to adverse conditions in the recent past, the petitioner sustained huge loss in his business for the last three years. During Lock Down period, in view of Covid-19 pandemic situation, the petitioner's business activity was not functioning properly. In these circumstances, the petitioner became bankrupt and could not discharge the debts due to the respondents and his liabilities exceeded the value of assets of the petitioner.



b) It is further case of the petitioner that as the financial position of the petitioner became worse, and could not discharge the debts due to the respondents, the pressure on the petitioner from respondents for realization of their amounts is mounting up multifold., Since then, all the respondents are giving threats to the petitioner to discharge their debts and the petitioner is apprehending danger to his life in the hands of the respondents. All the creditors are adopting forcible and violent measures against the petitioner for recovery of amounts due to them. For some days, the petitioner adjusted and could answer them but slowly the respondents turned violent and threatening the petitioner with dire consequences for realization of amounts.

c) It is further case of the petitioner that he is having movable and immovable properties shown in schedule B1 and B2 and except the said properties, he has no other properties. The value of debts of the petitioner shown in A schedule is more than the properties shown in B schedules. Further, the petitioner has to maintain his family. Under these circumstances, the petitioner is forced to file the present petition.

3. After service of notices, the respondents 1 to 26 remained ex parte and the respondent No.27 Official Receiver did not file counter in spite of giving sufficient opportunity.

4. During the course of enquiry, the petitioner himself examined as P.W.1 and no exhibits marked on his behalf.

5. Heard the counsel for the petitioner and perused the material available on record.

6. Now the point for consideration is:-

1. *Whether the petitioner is entitled to adjudicate and declare him as an insolvent as prayed for?*

2. *Whether the petitioner is entitled for appointment of Official Receiver as interim receiver to take possession of B schedule properties and to administer the same?*

3. *To what relief?*

**POINT Nos 1 & 2:-**

7. The learned counsel for the petitioner argued that the petitioner did iron hardware business since seven years and in that connection he borrowed amounts from the respondents as well as others from time to time and repaid the amounts at the end of financial year. In some cases, the petitioner used to pay interest and renewed the debts. The petitioner run his business successfully for some period. While so, due to adverse conditions in the recent past, the petitioner sustained huge loss in his business for the last three years. During Lock Down period, in view of Covid-19 pandemic situation, the petitioner's business activity was not functioning properly. In these circumstances, the petitioner became bankrupt and could not discharge the debts due to the respondents and his liabilities exceeded the value of assets of the petitioner. As the financial position of the petitioner became worse, and could not discharge the debts due to the respondents, the pressure on the petitioner from respondents for realization of their amounts is

mounting up multifold. Since then, all the respondents are giving threats to the petitioner to discharge their debts and the petitioner is apprehending danger to his life in the hands of the respondents. All the creditors are adopting forcible and violent measures against the petitioner for recovery of amounts due to them. For some days, the petitioner adjusted and could answer them but slowly the respondents turned violent and threatening the petitioner with dire consequences for realization of amounts. He is having movable and immovable properties shown in schedule B1 and B2 and except the said properties, he has no other properties. The value of debts of the petitioner shown in A schedule is more than the properties shown in B schedules. Further, the petitioner has to maintain his family. Under these circumstances, the petitioner is forced to file the present petition.

8. The petitioner in order to establish his case, himself examined as P.W.1. In his evidence, he reiterated his case as mentioned in the petition. No exhibits marked in support of his contention. Since, the respondents 1 to 26 who are creditors of the petitioner remained exparte, the evidence of P.W.1 became unchallenged. The unchallenged testimony of P.W.1 establishing that he is permanent resident of Mangalagiri town and he did iron hardware business since seven years. In that connection, he borrowed amounts from the respondents and he run said business successfully for some period. Later, due to adverse conditions in the recent past and due to Lock Down during Covid-19 pandemic situation, the business activity of the petitioner was not functioned properly. Hence, the petitioner became bankrupt and could not discharge the debts due to the respondents. The liabilities of the petitioner exceeding the value of his assets shown in schedule B. Since the financial position of the petitioner became worse, the pressure of the respondents for realization of their amounts if mounting up multifold and the respondents

threatening the petitioner with dire consequences. Under these circumstances, the petitioner filed the present petition. The petitioner shown his liabilities payable to the respondents 1 to 26 in petition A schedule to the total amount due of Rs.39,80,000/-. Whereas, the petitioner shown his movable and immovable properties in schedule B1 to B5, out of which, in B2 schedule, he has shown wearing apparels, cooking vessels and household articles of petitioner and his family members worth Rs.4,250/- and in schedule B1, B3 and B5 shown as Nil. The evidence on record clearly established that the liabilities of the petitioner is more than the assets shown in B Schedule. Further, the pressure of the respondents for realization of debts mounting up multifold. Further, the respondent are threatening the petitioner in dire consequences. In view of the same, the petitioner is entitled to adjudicate and declare him as an insolvent. Since the value of B schedule properties which are wearing apparels of petitioner and his family members, household articles, cooking vessels which are worth Rs.4,250/-, cannot be placed in the hands of the Receiver which are not at all sufficient to discharge the debts of the respondents. Further, they are exempted from attachment under law. In view of the same, point No.1 is answered in favour of the petitioner and point No.2 is answered against the petitioner.

**POINT No.3:**

9. In the result, this Insolvency Petition is allowed by adjudicating and declaring the petitioner as an insolvent. Time for discharge is six months from the date of this order.

This Insolvency Petition in respect of the relief of appointment of Official Receiver to take possession and administration of petition B schedule properties worth Rs.4250/- is hereby dismissed.

The office is directed to send the copy of this order to the Official Receiver and draft Gazette Notification to the District Collector, Guntur for publication in compliance with Section 30 of the Provincial Insolvency Act.

No order as to costs.

Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open Court, on this the 12<sup>th</sup> day of April, 2024.

**Y. NAGARAJA,**  
*Civil Judge (Senior Division),  
Mangalagiri.*

**Appendix of Evidence**

**Witnesses Examined**

For Petitioner:

PW1 : K. Vijaya Krishna

For Respondents 1 to 26: None (Exparte).

**Documents Marked**

For Petitioner: Nil.

For Respondents 1 to 6: Nil (Exparte).

**Y. NAGARAJA,**  
*Civil Judge (Senior Division),  
Mangalagiri.  
[ Dis No. 465.*

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